

MICHAEL BENJAMIN

PLAINTIFF

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

Civil NO. 5:12-CV-00237

DEC 19 2012

RAY HOBBS et al

DEFENDANTS

JAMES W. McCORMACK, CLERK  
By: BEP CLERK

**MOTION FOR CHANGE OF VENUE**

Comes now Plaintiff Michael Benjamin through Pro Se representation and brings this motion for Change of Venue Pursuant to 28 U.S.C. § 1404, 5 U.S.C. § 702, and Ark. Code. Ann. § 16-60-103, and for his motion States:

- (1) Plaintiff filed a civil action authorized by Title 42 Sections 1985 and 1986 demanding a Jury trial in the Eastern District Court of Arkansas, wherein Plaintiff claims that the defendant in the above caption and his Subordinates had conspired with other State, Federal, and local Officials to murder the Plaintiff., See (Doc #2) also (Doc #12), in order to cover-up a false arrest caught on tape, See (Doc #23) and a malicious prosecution, See (Doc #13).
- (2) Plaintiff filed a motion for Preliminary injunction, along with his Title 42 Section 1985 and 1986 action, Seeking an order to Prevent the withholding of his legal mail to Civil rights Organizations, the media, and being forcibly restrained and injected with an unknown substance See, (Doc #3).
- (3) Plaintiff previously Objected to the subject matter Jurisdiction of the magistrate Judge, See (Doc #9).

5 U.S.C. § 702 Provides in relevant Part: An action in a court of the United States Seeking relief other than money damages stating a claim that an agency or Officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein denied on the ground that it is against the United States or the United States is an indispensable party.

Ark. Code. Ann. § 16-60-103 Provides in Part: All actions against board Commissioners, and Officials arising from Official acts must be brought in Pulaski County. Subsection (1) of this Statute Provides that Pulaski County, in which the State Capital is located is the proper Venue for actions brought on behalf of the State or in its name or in which the State has or Claims an interest.

28 U.S.C. § 1404 (a) Provides for the Convenience of Parties

and witnesses, in the interest of Justice, a district court may transfer any civil action to any other district or division where it might have been brought. *Baltimore & Ohio R. Co. v. Kepner*, 1941 62, S.Ct. 6, 314 U.S. 44, 86 L.Ed. 28 requires the court to determine that the transfer is necessary for convenience of the parties and witnesses, and further, that it is in the interest of Justice to do so.

Wherefore, as any court under the Pine Bluff Division lacks subject matter jurisdiction as its venue is improper, Plaintiff respectfully request that his Title 42 Section 1985 and 1986 civil action be transferred to Pulaski County, as it has exclusive jurisdiction over such actions, its venue is proper, and it would be in the interest of Justice to do so.

Respectfully Submitted



### CERTIFICATE OF SERVICE

I Michael Benjamin hereby certify that I have mailed a copy of this motion for Change of Venue to Chief, U.S. District Judge, J. Leon Holmes by Placing Said motion in an envelope affix with proper Postage and Placing Said envelope in the tucker maximum Security mailing System On this 17 day of Dec 2012 to ensure its delivery

Respectfully Submitted

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF ARKASAS

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